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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/698,077	10/30/2000	Kenneth Wills	08250.0045-02	3296

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EXAMINER

HAVAN, THU THAO

ART UNIT PAPER NUMBER

2672

DATE MAILED: 08/10/2004

#27.

Please find below and/or attached an Office communication concerning this application or proceeding.

B

# Office Action Summary

Application No.

09/698,077

Applicant(s)

WILLS, KENNETH

Examiner

Thu-Thao Havan

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 17-33 and 35-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-33 and 35-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

Claims 17-33 and 35-40 are pending in the present application.

### ***Response to Arguments***

Applicant's arguments filed June 1, 2004 have been fully considered but they are not persuasive. As addressed below, Bouve et al. teaches the claimed limitations.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., users to vary the area around the first site and within which to search for a location of interest) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Furthermore, Bouve teaches range data (col. 6, lines 38-67; fig. 2). In other words, Bouve teaches range data when he discloses positional coordinate. The positional coordinate determines the range of data to be measured from the remote communication port. Specifically, he discloses the information within the database includes, for each of the items of interest, positional coordinates, a geographic vicinity, and at least one associated category. Preferably, this information includes a graphical representation so that a user can easily interpret the information. Figure 2 shows one exemplary display of information locating

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computer products in downtown Boston, Mass. Accordingly, the associated category in this example is "computer products," the geographic vicinity includes the selected items of interest, including (i) the two computer stores, Congress Street and 101 Federal Street; and (ii) that area which is displayed within the display and which surrounds the items of interest, such as that area displayed between the streets of High Street and State Street.

In addition, Bouve discloses a first site and a second site (col. 8, line 38 to col. 9, line 37). He discloses one city, which is the first site, and the second city, which is the second site to be mapped to find the distance between the two cities. For example, a user at a remote port has commanded the display of one geographic vicinity (i.e., an area of interest map) and selects the display of a different geographic vicinity, it is necessary to first return to the associated city map, or even to the U.S. map, depending on the desired location, to access that different geographic vicinity.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims **17-33 and 35-40** are rejected under 35 U.S.C. 102(e) as being unpatentable by Bouve et al. (US patent no. 5,682,525).

Re claims **17, 23, 32, and 35**, Bouve discloses a method for searching and retrieving information comprising receiving/sending a request identifying a first site, and range data defining a distance from the first site (fig.2), selecting/receiving trip planning information selected based on the identified site and the range data (col. 6, line 61 to col. 7, line 19; fig. 12), and outputting the selected trip planning information (fig. 1 and 11-12). In other words, Bouve teaches a user selects an item of interest and provides the desire distance. Based on these two data, the system locates the item of interest and displays the item of interest. Furthermore, if the user wants the system it can displays additional detail. For example, the item of interest is a hotel. A user selects the categories of items provided by selecting hotel then input the distance. The system would display all the hotels within the proximate distance or range.

Re claims **18 and 24**, Bouve discloses the trip planning information includes information identifying a location of interest within proximity of the first site derived from the range data (figs. 2 and 12). In figure 12, Bouve discloses the computer store #1 and computer store #2 within the desires range.

Re claims **20, 26-27, 33, and 36-37**, Bouve discloses the request further includes a second site, and wherein the trip planning information includes information identifying a location of interest associated with the second site (col. 2, lines 44-63). In other words, Bouve teaches a user can select further additional detail about one or more of the items of interest.

Re claims **29 and 38**, Bouve teaches method for searching and retrieving information, comprising receiving/sending a request identifying at least a first site, a second site and a type of location of interest (figs. 4-5; col. 6, lines 38-67; col. 9, lines 14-20) and receiving information associated with the first and second sites and selected based on the type of location of interest and selected using a geometric shape generated based on the first and second sites (col. 5, lines 14-21). In other words, Bouve teaches a method for remotely determining the position of a selected category of items of interest in selected geographic vicinity from a database. He discloses (i) storing information about a plurality of items of interest in the database, the information including, for each of the items of interest, positional coordinates, a geographic vicinity, and at least one associated category; (ii) accessing the database from a remote location and over a communication link; (iii) communicating, from the remote location, information representative of a selected category and a selected geographic vicinity to the database; and (iv) transmitting a portion of the information from the database and to the user over the link, the information including, at least, identification of a position for the items of interest within the selected category and geographic vicinity.

Re claims **19, 21-22, 25, 28, 30, and 39**, Bouve discloses the trip planning information includes information identifying services available within a proximity of the first site derived from the range data (figs. 5 and 12).

Re claims **31 and 40**, Bouve discloses the geometric shape is generated based on a first distance value representing the distance between the first and

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second sites, and a second distance value representing a function performed on the first distance value (fig. 2). In other words, Bouve teaches the positional coordinates, as part of the selected information, operate to locate the geographic vicinity. The positional coordinates locate one location within the geographic vicinity—such as the center of the vicinity—so that items of interest can be determined relative to the positional coordinates and within the geographic vicinity. In addition, the geographic vicinity is preferably a rectangle of information, with North situated upwards.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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### Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu-Thao Havan whose telephone number is (703) 308-7062. The examiner can normally be reached on Monday to Thursday from 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on (703) 305-4713.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

TTH  
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*Jeffrey A. Briner*  
JEFFREY A. BRINER  
PRIMARY EXAMINER